

ORIGINAL

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

(1) Benny Roten # 520385
(Name of Plaintiff) (Inmate Number)
S.C.I. P.O. Box 500
Georgetown, DE 19947
(Complete Address with zip code)

(2) _____
(Name of Plaintiff) (Inmate Number)

(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) Carl Danberg
(2) Mike Deby
(3) Jill Mosser
(Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

08 - 081

(Case Number)
(to be assigned by U.S. District Court)

CIVIL COMPLAINT



RD scanned
FFP

Names of Defendants

(4) Director of CMS

(5) Doctor Lawrence McDonald

(6) Diane Miller

(7) Richard Kearney

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • ☒ Yes • • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • ☒ Yes • • No

C. If your answer to "B" is Yes:

1. What steps did you take? I filed a grievance, And then I filed a appeal to the grievance.
2. What was the result? Both the grievance, and the appeal was denied.

D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS (in order listed on the caption)

(1) Name of first defendant: Carl Danberg
 Employed as DOC Commissioner at Carvel State Office Bldg
 Mailing address with zip code: 820 N. French Street
Wilmington, DE 19801

(2) Name of second defendant: Mike Deloy
 Employed as Warden at Sussex Correctional Institution
 Mailing address with zip code: S.C.I. P.O. Box 500
Georgetown, Delaware 19947

(3) Name of third defendant: Jill Mosser
 Employed as Site Director at Sussex Correctional Institution
 Mailing address with zip code: S.C.I. P.O. Box 500
Georgetown, Delaware 19947

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

Defendants

(4) Director of CMS, Name of Defendant and address unknown

(5) Dr Lawrence McDonald

Employed as Doctor at Sussex Correctional Institution
S.C.I. P.O. Box 500 Georgetown, Delaware 19947

(6) Diane Miller

Employed as Nurse at Sussex Correctional Institution
S.C.I. P.O. Box 500 Georgetown, Delaware 19947

(7) Richard Kearney

Employed as Bureau Chief at Sussex Correctional Institution
S.C.I. P.O. Box 500 Georgetown, Delaware 19947

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. On 10-25-06 I was called to medical for a routine check up. At which point I see Doctor McDonald for a complete physical examination. To put this brief, During the physical examination Doctor McDonald sexually molested me. On 11-1-06
2. I filed a grievance explaining in full detail what had happened during the examination. Diane Miller is the nurse that received my grievance, at which point she passed the grievance around to all of the medical staff members, And to some of the
3. Prison guards, making fun of the situation I filed on my grievance. And Miss Miller also showed my grievance to Doctor McDonald. At which point Doctor McDonald calls me down to medical on 11-10-06 to try to explain why he touched me the way he did.

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I would want the Court to do whatever is in the Courts power to do. I would want criminal charges took out on Doctor McDonald.
- BA I would want all

I told Doctor McDonald that I was not comfortable talking to him, Then I got up and left.

Then on 11-14-06 a lady from medical came to see me, and ask me to sign off on the grievance. I told her no, And that I wanted criminal charges took out for Doctor McDonald. Then on 12-7-06 I go to see the grievance board which Jill Mosser was in charge of. The board said that there was nothing that they could do, that it had to go to the next level, That is when I filed the appeal to my grievance like the grievance board told me to do. Then on 3-12-07 I recived a letter from the Bureau Chief Richard Kearney saying that based upon the documentation presented for there review that they denied my appeal request. And that there is no further issue to mediate nor outside review necessary as provided by BOP Procedure 4.4 entitled "Inmate Grievance Procedure" level 3 appeals. The Warden Mike Deloy is apart of it because I wrote him letters, And sent him a copy of the grievance personally, And he never responded to my letters or grievance. Carl Danberg, And the director of CMS are responsible, Because they both new about the situation about the grievance that I filed on Doctor McDonald, And nobody

from CMS or from the Prison ever came to talk to me, or ask me about what was going on, or try to do any investigating about the situation. Everyone knew what Doctor McDonald was doing, But everyone tried to sweep the situation under the rug, or cover it up. I have been seeing Mental Health about this situation, And I have even been Placed on and off of medications because of what has happend to me.

2. Party's involved in this situation to be investigated
And I would want all of the parties
involved to ^{Bk} pay punitive damages
for all of the humiliation, and for all of
the pain and suffering, And Mental Anguish
3. that they have put me through.
- _____
- _____
- _____
- _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1st day of February, 2008.

Benny Rite

(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

#520385
I/M: Benny Roten BLDG. MSB E-401
SUSSEX CORRECTIONAL INSTITUTION
P.O. BOX 500
GEORGETOWN, DELAWARE 19947

Clerk
U.S. District Court
Lockbox 18
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Wilmington, DE
19801